

## REMARKS

Claims 1-13, 15-18, 21-22, 24-30, and 32-47 are pending in the present application. By this amendment, claims 1, 15-18, 21, 24-26, and 36 are amended, and claims 14 and 19 are canceled without prejudice. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

### I. Formal Matters

#### Allowable Subject Matter:

Applicants note with appreciation that claims 30, 32-35, and 38-47 are allowable. Applicants respectfully submit that the remaining pending claims are also allowable for at least the reasons given below.

### II. Claim Rejections

#### Claim Rejections under 35 U.S.C. §103(a) Over Joseph in View of Chuah

Claims 1-13, 26-29, and 36-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,574,977 to Joseph et al. (hereinafter “Joseph”) in view of United States Patent No. 6,226,277 to Chuah (hereinafter “Chuah”). This rejection is respectfully traversed. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

As amended, claim 1 recites that a wireless communications system for allocating network access according to priorities designated for requested transactions of wireless communications comprises an access control manager for scheduling transmission of transactions, when all of the plurality of access links are occupied, by identifying a transaction that is being transmitted over the wireless network and is of lower priority than a requested transaction, discontinuing the transmission of the transaction of lower priority, and authorizing the transmission of the requested transaction; and a communications manager for requesting transmission of the discontinued transaction after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the discontinued transaction.

Joseph does not teach or suggest a wireless communications system as recited by claim 1. On the contrary, Joseph teaches a system for providing priority access and channel assignment (PACA) to designated subscribers in a cellular telecommunication network such that when the telecommunications network is experiencing channel congestion, call requests with higher priority preempts call requests with lower priority in the queue. Moreover, Joseph teaches that when a channel becomes available, the call request with the highest priority is assigned the channel. This is not analogous to the wireless communications system of claim 1 because Joseph fails to teach or suggest an access control manager for scheduling transmission of transactions when all of the plurality of access links are occupied by identifying a transaction that is being transmitted over the wireless network and is of lower priority than a requested transaction, discontinuing the transmission of the transaction of lower priority, and authorizing the transmission of the requested transaction. Instead of discontinuing a transmission with a lower priority, Joseph teaches waiting for a channel to become available before assigning the call request with the highest priority. Joseph also fails to teach or suggest a communications manager for requesting transmission of the discontinued transaction after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the discontinued transaction.

The Office Action relies on the teaching of Chuah to allegedly cure the above-noted deficiencies of the teaching of Joseph. However, like Joseph, Chuah does not teach or suggest a wireless communications system for allocating network access according to priorities designated for requested transactions of wireless communications comprising a communications manager for requesting transmission of the discontinued transaction after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the discontinued transaction. Instead, Chuah teaches a system for admitting new connections based on usage priorities having two priority classes, class 1 (high priority) and class 2 (low priority), and including an access point (AP) which receives a connection request from a new user of class 1 and determines if the current total number of associated users is less than or equal to the total number of users the system can admit. If the current number of users is less than or equal to the total number of users the system can admit, then the new user of claim 1 is admitted. If

not, then the AP checks to see if it can disconnect any class 2 users, and if it can, then the AP disconnects one of the admitted class 2 users and admits the new class 1 user, without suggesting that the AP requests transmission of the disconnected class 2 user after receiving a signal from the system that there is capacity for a user having a lower or same priority as the disconnected class 2 user. Therefore, unlike the wireless communications system of claim 1, Chuah fails to teach or suggest requesting transmission of the disconnected transaction upon receiving a signal that capacity is available for a transaction with lower or the same priority as the disconnected transaction.

For at least these reasons, claim 1 is allowable over the combined teaching of Joseph and Chuah. Claims 2-13 depend from claim 1 and are considered allowable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

As amended, claim 26 recites that a method for allocating access to a wireless network according to priorities designated for requested transactions of wireless communications comprises authorizing a transmission if the requested transaction is of higher priority than another transaction that is being transmitted when there is no available access link in the wireless network; discontinuing the transmission of the transaction of lower priority; and requesting transmission of the discontinued transaction after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the discontinued transaction.

Joseph does not teach or suggest a method for allocating access to wireless network as recited by claim 26. In contrast, Joseph teaches a method of providing users, who subscribe to priority service, priority access to voice channels during periods of congestion by positioning a call request from a user in priority order with call requests from other subscribers according to the user's and the other subscriber's priority level. Thus, Joseph teaches that a user may preempt other subscribers in the queue if the user has a higher priority, without suggesting discontinuing a user's transmission with lower priority and authorizing the transmission of the user with higher priority. Instead, Joseph teaches that when a channel becomes available, then the user with the highest priority will receive the available channel.

The Office Action relies on Chuah to allegedly cure the above-noted deficiencies of the teaching of Joseph. However, like Joseph, Chuah does not teach or suggest a method for allocating access to a wireless network according to priorities designated for requested transactions of wireless communications comprising requesting transmission of the discontinued transaction after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the discontinued transaction. To the contrary, Chuah teaches a method for admitting new connections based on usage priorities having two priority classes, class 1 (high priority) and class 2 (low priority) by receiving a connection request from a new user of class 1 and determining if the current total number of associated users is less than or equal to the total number of users the system can admit. If the current number of users is less than or equal to the total number of users the system can admit, then the new user of claim 1 is admitted. If not, then Chuah teaches determining if a class 2 user can be disconnected, and if it can, then disconnecting one of the admitted class 2 users and admitting the new class 1 user. However, unlike the method of claim 26, Chuah fails to teach or suggest requesting admittance of the disconnected class 2 user upon receiving a signal that capacity is available for a transaction with lower or the same priority as the disconnected class 2 user.

For at least these reasons, claim 26 is allowable over the combined teaching of Joseph and Chuah. Claims 27-29 depend from claim 26 and are considered allowable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

As amended, claim 36 recites that a method of transmitting a transaction over a wireless network to a wireless communications device comprises the steps of transmitting the transaction data from the access buffer to the wireless communications device when there is either an available access link on the wireless network or another transaction being transmitted at a priority level lower than the designated transmission priority level for the transaction, wherein the transaction of a lower priority level is discontinued to allow for transmission of a transaction at a higher priority level; and requesting transmission of the discontinued transaction after receiving a signal from the wireless

network that there is capacity for a transaction having a lower or same priority as the discontinued transaction.

Joseph does not teach or suggest a method of transmitting a transaction over a wireless network to a wireless communications device as recited by claim 36. In contrast, as discussed above, Joseph teaches a method of providing users, who subscribe to priority service, priority access to voice channels during periods of congestion by allowing users with higher priority to preempt other users with lower priority in the queue waiting to receive a channel when it becomes available. This is not analogous to the method of claim 36 because Joseph fails to teach or suggest discontinuing a user with lower priority to allow the transmission of a user with higher priority. Joseph does not teach or suggest that a user with higher priority can preempt the transmission of users with lower priority. Furthermore, Joseph fails to teach or suggest requesting transmission of a discontinued user after receiving a signal from the system that there is capacity for a transaction having a lower or same priority as the discontinued user.

The Office Action relies on the teaching of Chuah to allegedly cure the above-noted deficiencies of Joseph. However, like Joseph, Chuah does not teach or suggest a method of transmitting a transaction over a wireless network to a wireless communications device comprising requesting transmission of the discontinued transaction after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the discontinued transaction. Instead, as discussed above, Chuah teaches a method for admitting new connections based on usage priorities having two priority classes, class 1 (high priority) and class 2 (low priority) by receiving a connection request from a new user of class 1 and determining if the current total number of associated users is less than or equal to the total number of users the system can admit. If the current number of users is not less than or equal to the total, then Chuah teaches determining if a class 2 user can be disconnected, and if it can, then disconnecting one of the admitted class 2 users and admitting the new class 1 user, without suggesting requesting transmission of the disconnected class 2 user after receiving a signal from the wireless network that there is capacity for a transaction having a lower or same priority as the disconnected class 2 user.

For at least these reasons, claim 36 is allowable over the combined teaching of Joseph and Chuah. Claim 37 depends from claim 36 and is considered allowable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

Claim Rejections under 35 U.S.C. §103(a) Over Joseph in View of Chuah and Further in View of Scholefield

Claims 14-22 and 24-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Joseph in view of Chuah and further in view of United States Patent No. 5,752,193 to Scholefield et al. (hereinafter "Scholefield"). As noted above claims 14 and 19 have been canceled without prejudice, rendering the rejection to these claims moot. As to claims 15-22 and 24-25, the rejection of these claims is respectfully traversed. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

As discussed above, the Office Action indicates that claim 47 is allowable over the cited references. By this amendment, claims 15-18 and 24-25 have been amended to depend from allowed claim 47. Moreover, claim 21 has been amended to depend from claim 15, and claim 22 depends from claim 21. Since claims 15-18, 20-22, and 24-25 depend ultimately from allowable claim 47, claims 15-18, 20-22 and 24-25 are considered allowable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

**CONCLUSION**

For at least these reasons, Applicants assert that the pending claims 1-13, 15-18, 21-22, 24-30, and 32-47 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1-13, 15-18, 21-22, 24-30, and 32-47

to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5042.

Respectfully submitted,

MERCHANT & GOULD, LLC

A handwritten signature in black ink, reading "Jodi L. Hartman". The signature is written in a cursive style with a large, looping initial "J".

Jodi L. Hartman

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